

ATTACHMENT 2

WATER QUALITY CERTIFICATION



An Equal
Opportunity
Employer

Southwest Florida Water Management District

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

Lecanto Service Office
Suite 226
3600 West Sovereign Path
Lecanto, Florida 34461-8070
(352) 527-8131

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)
SUNCOM 531-6900

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

January 30, 2007

Talmadge G. "Jerry" Rice
Chair, Pasco

Judith C. Whitehead
Vice Chair, Hernando

Neil Combee
Secretary, Polk

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Treasurer, Hillsborough

Thomas G. Dabney
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Pinellas

Todd Pressman
Pinellas

Maritza Rovira-Forino
Hillsborough

Patsy C. Symons
DeSoto

John R. Sierra, Jr.
Pasco 54 Ltd.
Pasco 54, Inc.
Pasco Properties of Tampa Bay, Inc.
509 Guisando de Avila, Suite 200
Tampa, FL 33613

Thomas Gray
Pasco Ranch, Inc.
509 Guisando de Avila, Suite 200
Tampa, FL 33613

RECEIVED

FEB 01 2007

TAMPA REG.
OFFICE

Subject: **Notice of Final Agency Action for Approval**
ERP Individual Construction
Permit No.: 43026931.001
Project Name: Cypress Creek Town Center - Ph I
County: Pasco
Sec/Twp/Rge: 24,34/26S/19E

Dear Messrs. Sierra and Gray:

The Environmental Resource permit referenced above was **approved** by the District Governing Board subject to all terms and conditions set forth in the permit.

The enclosed approved construction plans are part of the permit, and construction must be in accordance with these plans.

If you have questions concerning the permit, please contact Andrea R. Smith, at the Brooksville Service Office, extension 4375. For assistance with environmental concerns, please contact Barry D. Billets, extension 4371.

Sincerely,

Paul W. O'Neil, Jr., P.E., Director
Regulation Performance Management Department

PWO:dkh

Enclosures: Approved Permit w/Conditions Attached
Approved Construction Drawings
Statement of Completion
Notice of Authorization to Commence Construction

cc/enc: File of Record 43026931.001
Thomas P. Schmitz, The Richard E. Jacobs Group, Inc.
Bruce H. McArthur, Otero Engineering
David A. Kemper, P.E., WilsonMiller, Inc.
US Army Corps of Engineers

David L. Moore
Executive Director
William S. Bilenky
General Counsel

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
INDIVIDUAL CONSTRUCTION
PERMIT NO. 43026931.001

Expiration Date: January 30, 2012

PERMIT ISSUE DATE: January 30, 2007

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapters 40D-4 and 40, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

PROJECT NAME: Cypress Creek Town Center - Ph I

GRANTED TO: Pasco 54 Ltd.
Pasco 54, Inc.
Pasco Properties of Tampa Bay, Inc.
Pasco Ranch, Inc.
509 Guisando de Avila, Suite 200
Tampa, FL 33613

ABSTRACT: This permit is for the construction of a new surface water management system to serve a 404.03-acre commercial development. In addition to the 404.03-acre commercial development, an additional wetland mitigation project area of 249.1-acres is included within the limits of this project for a total project area of 653.13 acres. The commercial development project site is located on the north and south sides of State Road 56, just west of I-75 in Pasco County. The wetland mitigation project area is located in southeastern Pasco County, just north of the Pasco/Hillsborough County line and just west of the Pasco/Polk County line. Information regarding the surface water management system and wetlands is contained within the tables below.

OP. & MAINT. ENTITY: Pasco 54 Ltd., Pasco 54, Inc., Pasco Ranch, Inc., and
Pasco Properties of Tampa Bay, Inc.

COUNTY: Pasco

SEC/TWP/RGE: 24,34/26S/19E

**TOTAL ACRES OWNED
OR UNDER CONTROL:** 746.15

PROJECT SIZE: 653.13 Acres

LAND USE: Commercial

DATE APPLICATION FILED: September 12, 2005

AMENDED DATE: N/A

I. Water Quantity/Quality

POND NO.	AREA ACRES @ TOP OF BANK	TREATMENT TYPE
A	7.98	Wet Detention
Wetland	36.00	Isolated Wetland
C	10.10	Wet Detention
D	12.59	Wet Detention
E	12.00	Wet Detention
F	2.40	Wet Detention
30	4.20	N/A
TOTAL	85.27	

A mixing zone is not required.
 A variance is not required.

II. 100-Year Floodplain

Encroachment (Acre-Feet of fill)	Compensation (Acre-Feet of excavation)	Compensation Type*	Encroachment Result**(feet)
192.00	214.40	MI [X]	Depth [N/A]

*Codes [X] for the type or method of compensation provided are as follows:

MI = Minimal Impact based on modeling of existing stages vs. post-project encroachment.

N/A = Not Applicable

Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims **MI type of compensation.

III. Environmental Considerations

Wetland/Surface Water Information

Count of Wetlands: 24

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
WL-A	35.32	12.05	23.27	15.51	0.00	0.00
WL-A1	13.65	13.47	0.18	0.09	0.00	0.00
WL-A2	0.84	0.00	0.84	0.34	0.00	0.00
WL-C	0.20	0.20	0.00	0.00	0.00	0.00
WL-D	0.43	0.43	0.00	0.00	0.00	0.00
SW-D1	1.62	0.00	1.62	0.00	0.00	0.00
SW-D2	1.91	0.00	1.91	0.00	0.00	0.00

Wetland Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
WL-E	9.50	9.50	0.00	0.00	0.00	0.00
WL-E1	0.72	0.72	0.00	0.00	0.00	0.00
WL-F	0.30	0.00	0.30	0.00	0.00	0.00
WL-G	2.54	0.00	2.54	1.44	0.00	0.00
WL-H	3.73	0.00	3.73	2.36	0.00	0.00
WL-I	0.59	0.00	0.59	0.30	0.00	0.00
WL-J	24.29	14.95	9.34	6.54	0.00	0.00
WL-J1	0.04	0.04	0.00	0.00	0.00	0.00
WL-L	25.74	10.97	14.77	9.36	0.00	0.00
WL-L1	1.46	0.00	1.46	0.73	0.00	0.00
SW-N	4.43	0.00	4.43	2.51	0.00	0.00
WL-O	0.82	0.00	0.82	0.52	0.00	0.00
WL-P	33.18	33.16	0.02	0.01	0.00	0.00
WL-R	5.01	5.01	0.00	0.00	0.00	0.00
SW-S	0.44	0.00	0.44	0.00	0.00	0.00
SW-T	0.18	0.00	0.18	0.00	0.00	0.00
SW-U	1.09	0.00	1.09	0.69	0.00	0.00
TOTAL:	168.03	100.50	67.53	40.40	0.00	0.00

* For impacts that do not require mitigation, their functional loss is not included.

Wetland Comments: There are 158.36 acres of wetlands and 9.67 acres of surface waters within the project. Construction will result in permanent impact to 57.56 acres of wetlands and 5.52 acres of surface waters requiring habitat mitigation, and permanent impact to 0.30 acre of wetland and 4.15 acres of surface waters exempt from habitat mitigation. Using the Uniform Mitigation Assessment Method (UMAM) the Functional Loss of the impacts requiring habitat mitigation was determined to be 40.40 units. Since under the ERP Basis of Review (Section 3.2.2.1) no significant habitat is provided by the 0.30 acre of isolated wetland and it is less than one half acre in size, no habitat mitigation is required.

Mitigation Information

Count of Mitigation: 13

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Wetland Restoration A	14.80	5.93	0.00	0.00	0.00	0.00	0.00	0.00
Wetland Enhancement A	0.00	0.00	4.20	0.33	0.00	0.00	0.00	0.00
Wetland Enhancement A	0.00	0.00	7.90	1.58	0.00	0.00	0.00	0.00
Wetland Enhancement A	0.00	0.00	1.40	0.28	0.00	0.00	0.00	0.00
Wetland Enhancement A	0.00	0.00	3.80	0.38	0.00	0.00	0.00	0.00
Wetland Enhancement A	0.00	0.00	2.90	0.48	0.00	0.00	0.00	0.00

Mitigation Name	Creation/Restoration		Enhancement		Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Wetland Enhancement A	0.00	0.00	25.50	1.28	0.00	0.00	0.00	0.00
Wetland Preservation	0.00	0.00	0.00	0.00	33.80	1.80	0.00	0.00
Wetland Preservation	0.00	0.00	0.00	0.00	4.90	0.13	0.00	0.00
Upland Enhancement	0.00	0.00	23.20	4.64	0.00	0.00	0.00	0.00
Upland Enhancement	0.00	0.00	19.40	3.23	0.00	0.00	0.00	0.00
Upland Preservation A	0.00	0.00	0.00	0.00	71.00	28.76	0.00	0.00
Upland Preservation A	0.00	0.00	0.00	0.00	35.70	14.46	0.00	0.00
TOTAL:	14.80	5.93	88.30	12.20	145.40	45.15	0.00	0.00

Mitigation Comments: To mitigate for 57.56 acres of wetlands and 5.52 acres of surface waters requiring habitat mitigation, the Permittee will establish regionally significant mitigation within the Alston Tract adjacent to District land (Upper Hillsborough) and create 14.8 acres of wetland, enhance 45.7 acres of wetlands and 42.6 acres of uplands, and preserve 38.7 acres of wetlands and 106.7 acres of uplands via a dedicated conservation easement to the District. The Functional Gain of the mitigation was determined to be 63.28 units. Since the Functional Gain of the mitigation is greater than the 40.40 units of Functional Loss, the wetland and surface water impacts are offset by the mitigation. The excess Functional Gain identified in this permit is not available for future applications.

A regulatory conservation easement is required.

A proprietary conservation easement is not required.

SPECIFIC CONDITIONS

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit shall terminate, pursuant to Section 40D-1.6105, F.A.C. In such situations, each landowner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. Unless specified otherwise herein, two copies of all information and reports required by this permit shall be submitted to:

Brooksville Regulation Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899

The permit number, title of report or information and event (for recurring report or information submittal) shall be identified on all information and reports submitted.

3. The Permittee shall retain the design engineer, or other professional engineer registered in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the professional engineer so employed. This information shall be submitted prior to construction.

4. Within 30 days after completion of construction of the permitted activity, the Permittee shall submit to the Brooksville Service Office a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1.659, F.A.C., and signed, dated and sealed as-built drawings. The as-built drawings shall identify any deviations from the approved construction drawings.
5. The District reserves the right, upon prior notice to the Permittee, to conduct on-site research to assess the pollutant removal efficiency of the surface water management system. The Permittee may be required to cooperate in this regard by allowing on-site access by District representatives, by allowing the installation and operation of testing and monitoring equipment, and by allowing other assistance measures as needed on site.

6. WETLAND MITIGATION SUCCESS CRITERIA: WETLAND CREATION AREA 1, 14.8 Acres

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Wetlands constructed for mitigation purposes will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.

- A. The mitigation area can be reasonably expected to develop into a Freshwater Marsh (641) as determined by the Florida Department of Transportation Florida Land Use, Cover and Forms Classification System.
- B. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetland/surface water type specified in criterion "A."
- C. The dominant and subdominant species of desirable wetland plants comprising each vegetation zone and stratum of the mitigation area shall be as follows:

ZONE	STRATUM	PERCENT COVER	DOMINANT SPECIES ¹	SUBDOMINANT SPECIES ¹
Marsh	Shrub	30	Buttonbush	Other Desirable Species
	Ground	85	Pickereelweed	Arrowhead
				Other Desirable Species
Wet Prairie	Shrub	10	Other Desirable Species	Other Desirable Species
	Ground	85	Other Desirable Species	Other Desirable Species

¹ Plant species providing the same function as those listed may also be considered in determining success. Other Desirable Species are indicated in the approved construction plans for the mitigation.

This criterion must be achieved within nine years of mitigation area construction. The Permittee shall complete any activities necessary to ensure the successful achievement of the mitigation requirements by the deadline specified. Any request for an extension of the deadline specified shall be accompanied with an explanation and submitted as a permit letter modification to the District for evaluation.

- D. Species composition of recruiting wetland vegetation are indicative of the wetland type specified in criterion "A."
- E. Coverage by nuisance or exotic species does not exceed 5 percent.
- F. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The mitigation area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the mitigation area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

WETLAND MITIGATION SUCCESS CRITERIA WETLAND ENHANCEMENT AREA 1, 4.2 ACRES

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Wetlands constructed for mitigation purposes will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.

- A. The mitigation area can be reasonably expected to develop into a Wetland Hardwood Forest Stream and Lake Swamp (615) as determined by the Florida Department of Transportation Florida Land Use, Cover And Forms Classification System.
- B. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetland/surface water type specified in criterion "A."
- C. The dominant and subdominant species of desirable wetland plants comprising each vegetation zone and stratum of the mitigation area shall be as follows:

ZONE	STRATUM	PERCENT COVER	DOMINANT SPECIES ¹	SUBDOMINANT SPECIES ²
Slough Long Hydroperiod Areas	Canopy	30	Bald Cypress	Swamp tupelo
				Pop Ash
				Other Desirable Species
	Shrub	5	Buttonbush	

ZONE	STRATUM	PERCENT COVER	DOMINANT SPECIES ¹	SUBDOMINANT SPECIES ²
	Groundcover	N/A	Pickereelweed	Arrowroot
				Other Desirable Species
Slough Short Hydroperiod Areas	Canopy	30	Laurel Oak	Other Desirable Species
	Shrub	5	Virginia Willow	Other Desirable Species
Hydric Flatwood	Canopy	85	Slash Pine	Other Desirable Species
	Shrub			Other Desirable Species
	Ground			Other Desirable Species

¹ Tree species must be greater than 12 feet in height and have been planted for greater than 3 years.

² Plant species providing the same function as those listed may also be considered in determining success. Other Desirable Species are indicated in the approved construction plans for the mitigation.

This criterion must be achieved within nine years of mitigation area construction. The Permittee shall complete any activities necessary to ensure the successful achievement of the mitigation requirements by the deadline specified. Any request for an extension of the deadline specified shall be accompanied with an explanation and submitted as a permit letter modification to the District for evaluation.

- D. Species composition of recruiting wetland vegetation are indicative of the wetland type specified in criterion "A."
- E. Density of planted trees surviving in the mitigation area (Slough) equals or exceeds 435/acre for trees greater than or equal to 12 feet in height.
- F. Density of planted trees surviving in the mitigation area (Hydric Flatwoods) equals or exceeds 20/acre for trees greater than or equal to 12 feet in height.
- G. Coverage by nuisance or exotic species does not exceed 5 percent.
- H. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The mitigation area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the mitigation area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

WETLAND MITIGATION SUCCESS CRITERIA WETLAND ENHANCEMENT AREA 3, 7.9 ACRES and WETLAND ENHANCEMENT AREA 4, 1.4 ACRES

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Wetlands constructed for mitigation purposes will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.

- A. The mitigation area can be reasonably expected to develop into a Freshwater Marsh (641) as determined by the Florida Land Use, Cover And Forms Classification System.
- B. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetland/surface water type specified in criterion "A."
- C. The dominant and subdominant species of desirable wetland plants comprising each vegetation zone and stratum of the mitigation area shall be as follows:

ZONE	STRATUM	PERCENT COVER	DOMINANT SPECIES ¹	SUBDOMINANT SPECIES ¹
Marsh	Shrub	30	Buttonbush	Other Desirable Species
	Groundcover	85	Pickereelweed	Arrowhead
				Other Desirable Species
Wet Prairie	Shrub	10	Other Desirable Species	Other Desirable Species
	Groundcover	85	Other Desirable Species	Other Desirable Species

¹ Plant species providing the same function as those listed may also be considered in determining success. Other Desirable Species are indicated in the approved construction plans for the mitigation.

This criterion must be achieved within 9 years of mitigation area construction. The Permittee shall complete any activities necessary to ensure the successful achievement of the mitigation requirements by the deadline specified. Any request for an extension of the deadline specified shall be accompanied with an explanation and submitted as a permit letter modification to the District for evaluation.

- D. Species composition of recruiting wetland vegetation are indicative of the wetland type specified in criterion "A."
- E. Coverage by nuisance or exotic species does not exceed 5 percent.
- F. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The mitigation area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the mitigation area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

WETLAND MITIGATION SUCCESS CRITERIA - WETLAND ENHANCEMENT AREA 5, 3.8 ACRES, WETLAND ENHANCEMENT AREA 8, 2.9 ACRES AND WETLAND ENHANCEMENT AREA 9, 25.5 ACRES

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Wetlands constructed for mitigation purposes will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.

- A. The mitigation area can be reasonably expected to develop into a Wetland Coniferous Forest-Cypress (621) as determined by the Florida Land Use, Cover And Forms Classification System.
- B. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetland/surface water type specified in criterion "A."
- C. The dominant and subdominant species of desirable wetland plants comprising each vegetation zone and stratum of the mitigation area shall be as follows:

ZONE	STRATUM	PERCENT COVER	DOMINANT SPECIES ¹	SUBDOMINANT SPECIES ¹
Cypress	Canopy	30	Pond Cypress	Other Desirable Species
	Shrub	10	Buttonbush	Other Desirable Species
	Groundcover		Pickrelweed	Arrowhead
				Other Desirable Species

¹ Plant species providing the same function as those listed may also be considered in determining success. Other Desirable Species are indicated in the approved construction plans for the mitigation.

This criterion must be achieved within nine years of mitigation area construction. The Permittee shall complete any activities necessary to ensure the successful achievement of the mitigation requirements by the deadline specified. Any request for an extension of the deadline specified shall be accompanied with an explanation and submitted as a permit letter modification to the District for evaluation.

- D. Species composition of recruiting wetland vegetation are indicative of the wetland type specified in criterion "A."
- E. Coverage by nuisance or exotic species does not exceed 5 percent.
- F. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The mitigation area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the mitigation area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

WETLAND MITIGATION SUCCESS CRITERIA UPLAND ENHANCEMENT AREA 1, 23.2 ACRES

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Wetlands constructed for mitigation purposes will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.

- A. The mitigation area can be reasonably expected to develop into an Upland Coniferous Forest-Pine Flatwoods (411) as determined by the Florida Land Use, Cover And Forms Classification System.
- B. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetland/surface water type specified in criterion "A."
- C. The dominant and subdominant species of desirable wetland plants comprising each vegetation zone and stratum of the mitigation area shall be as follows:

ZONE	STRATUM	PERCENT COVER	DOMINANT SPECIES ¹	SUBDOMINANT SPECIES ²
Mesic Flatwood	Canopy		Longleaf Pine	Other Desirable Species
	Shrub		Other Desirable Species	Other Desirable Species
	Ground		Other Desirable Species	Other Desirable Species

¹ Tree species must be greater than 12 feet in height and have been planted for greater than 3 years.

² Plant species providing the same function as those listed may also be considered in determining success. Other Desirable Species are indicated in the approved construction plans for the mitigation.

This criterion must be achieved within nine years of mitigation area construction. The Permittee shall complete any activities necessary to ensure the successful achievement of the mitigation requirements by the deadline specified. Any request for an extension of the deadline specified shall be accompanied with an explanation and submitted as a permit letter modification to the District for evaluation.

- D. Species composition of recruiting wetland vegetation are indicative of the wetland type specified in criterion "A."
- E. Density of trees surviving in the Mesic Flatwoods mitigation area equals or exceeds 10/acre for trees greater than or equal to 12 feet in height.
- F. Coverage by nuisance or exotic species does not exceed 5 percent.

WETLAND MITIGATION SUCCESS CRITERIA UPLAND ENHANCEMENT AREA 2, 19.40 ACRES

Mitigation is expected to offset adverse impacts to wetlands and other surface waters caused by regulated activities and to achieve viable, sustainable ecological and hydrological wetland functions. Wetlands constructed for mitigation purposes will be considered successful and will be released from monitoring and reporting requirements when the following criteria are met continuously for a period of at least one year without intervention in the form of irrigation or the addition or removal of vegetation.

- A. The mitigation area can be reasonably expected to develop into Rangeland-Herbaceous (310) as determined by the Florida Land Use, Cover And Forms Classification System.
- B. Topography, water depth and water level fluctuation in the mitigation area are characteristic of the wetland/surface water type specified in criterion "A."
- C. The dominant and subdominant species of desirable wetland plants comprising each vegetation zone and stratum of the mitigation area shall be as follows:

ZONE	STRATUM	PERCENT COVER	DOMINANT SPECIES ¹	SUBDOMINANT SPECIES ¹
Savanna	Shrub		Other Desirable Species	Other Desirable Species
	Ground		Other Desirable Species	Other Desirable Species

¹ Plant species providing the same function as those listed may also be considered in determining success. Other Desirable Species are indicated in the approved construction plans for the mitigation.

This criterion must be achieved within nine years of mitigation area construction. The Permittee shall complete any activities necessary to ensure the successful achievement of the mitigation requirements by the deadline specified. Any request for an extension of the deadline specified shall be accompanied with an explanation and submitted as a permit letter modification to the District for evaluation.

- D. Species composition of recruiting wetland vegetation are indicative of the wetland type specified in criterion "A."
- E. Coverage by nuisance or exotic species does not exceed 5 percent.
- F. The wetland mitigation area can be determined to be a wetland or other surface water according to Chapter 62-340, F.A.C.

The mitigation area may be released from monitoring and reporting requirements and be deemed successful at any time during the monitoring period if the Permittee demonstrates that the conditions in the mitigation area have adequately replaced the wetland and surface water functions affected by the regulated activity and that the site conditions are sustainable.

- 7. The Permittee shall monitor and maintain the wetland mitigation areas until the criteria set forth in the Wetland Mitigation Success Criteria Conditions above are met. The Permittee shall perform corrective actions identified by the District if the District identifies a wetland mitigation deficiency.

8. The Permittee shall undertake required maintenance activities within the wetland mitigation areas as needed at any time between mitigation area construction and termination of monitoring, with the exception of the final year. Maintenance shall include the manual removal of all nuisance and exotic species, with sufficient frequency that their combined coverage at no time exceeds the Wetland Mitigation Success Criteria Conditions above. Herbicides shall not be used without the prior written approval of the District.
9. A Wetland Mitigation Completion Report shall be submitted to the District within 30 days of completing construction and planting of the wetland mitigation areas. Upon District inspection and approval of the mitigation areas, the monitoring program shall be initiated with the date of the District field inspection being the construction completion date of the mitigation areas. Monitoring events shall occur between March 1 and November 30 of each year. An Annual Wetland Monitoring Report shall be submitted upon the anniversary date of District approval to initiate monitoring.

Annual reports shall provide documentation that a sufficient number of maintenance inspection/activities were conducted to maintain the mitigation areas in compliance with the Wetland Mitigation Success Criteria Conditions above. Note that the performance of maintenance inspections and maintenance activities will normally need to be conducted more frequently than the collection of other monitoring data to maintain the mitigation areas in compliance with the Wetland Mitigation Success Criteria Conditions above.

Monitoring Data shall be collected semi-annually.

10. Termination of monitoring for the wetland mitigation areas shall be coordinated with the District by:
 - A. notifying the District in writing when the criteria set forth in the Wetland Mitigation Success Criteria Conditions have been achieved;
 - B. suspending all maintenance activities in the wetland mitigation areas including, but not limited to, irrigation and addition or removal of vegetation; and
 - C. submitting a monitoring report to the District one year following the written notification and suspension of maintenance activities.

Upon receipt of the monitoring report, the District will evaluate the wetland mitigation sites to determine if the Mitigation Success Criteria Conditions have been met and maintained. The District will notify the Permittee in writing of the evaluation results. The Permittee shall perform corrective actions for any portions of the wetland mitigation areas that fail to maintain the criteria set forth in the Wetland Mitigation Success Criteria Conditions.

11. In the event wetland impacts for which the preservation parcel is providing mitigation are not conducted, the permittee will notify the District in writing. Upon District verification that these wetland impacts have not occurred, the District will release any executed and recorded conservation easement.
12. Following the District's determination that the wetland mitigation has been successfully completed, the Permittee shall operate and maintain the wetland mitigation areas such that they remain in their current or intended condition for the life of the surface water management facility. The Permittee must perform corrective actions for any portions of the wetland mitigation areas where conditions no longer meet the criteria set forth in the Wetland Mitigation Success Criteria Conditions.

13. The construction of all wetland impacts and wetland mitigation shall be supervised by a qualified environmental scientist/specialist/consultant. The Permittee shall identify, in writing, the environmental professional retained for construction oversight prior to initial clearing and grading activities.
14. Wetland buffers shall remain in an undisturbed condition except for approved drainage facility construction/maintenance.
15. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:
 - A. wetland and surface water preservation
 - B. wetland and surface water buffers
 - C. limits of approved wetland and surface water impacts

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

16. Rights-of-way and easement locations necessary to construct, operate and maintain all facilities, which constitute the permitted surface water management system (including wetlands and wetland buffers), shall be shown on the final plat recorded in the County Public Records. Documentation of this plat recording shall be submitted to the District with the Statement of Completion and Request for Transfer to Operation Entity Form, and prior to beneficial occupancy or use of the site.
17. Copies of the following documents in final form, as appropriate for the project, shall be submitted to the Brooksville Regulation Department:
 - A. homeowners, property owners, master association or condominium association articles of incorporation, and
 - B. declaration of protective covenants, deed restrictions or declaration of condominium.

The Permittee shall submit these documents either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to any lot or unit sales within the project served by the surface water management system, whichever occurs first.

18. The following language shall be included as part of the deed restrictions for each lot:

"Each property owner within the subdivision at the time of construction of a building, residence, or structure shall comply with the construction plans for the surface water management system approved and on file with the Southwest Florida Water Management District (SWFWMD)."
19. The Permittee shall provide notice of District permitting requirements to all buyers of individual parcels or lots located within Cypress Creek Town Center - Ph I. The notice shall be stated in the sales contract or as a deed restriction and shall include the following instructions:

"The Buyer is hereby notified that this property is subject to the requirements of Surface Water Management Permit No. 43026931.001 issued by the Southwest Florida Water Management District. In addition, the Buyer is required to inform the Southwest Florida Water Management District at the beginning of construction that a Professional Engineer registered in Florida has been retained to supervise construction; and upon completion of construction on this parcel or lot, the buyer must submit to the District a Statement of Completion and as-built certification of compliance with the permit."

20. The Permittee shall provide notice of District permitting requirements to all buyers of individual parcels or lots located within Cypress Creek Town Center - Ph I. This notice shall be stated in the sales contract or as a deed restriction and shall include the following instructions:

"The Buyer is hereby notified that this property is subject to the requirements of Surface Water Management Permit No. 43026931.001 issued by the Southwest Florida Water Management District. In addition, the Buyer is required to obtain a surface water management permit in accordance with Chapter 40D-4, F.A.C., from the Southwest Florida Water Management District prior to initiating any construction or alteration of a surface water management system on this property."

21. The operation and maintenance entity shall submit inspection reports in the form required by the District, in accordance with the following schedule.

For systems utilizing retention or wet detention, the inspections shall be performed two (2) years after operation is authorized and every two (2) years thereafter.

22. The removal of littoral shelf vegetation (including cattails) from wet detention ponds is prohibited unless otherwise approved by the District. Removal includes dredging, the application of herbicide, cutting, and the introduction of grass carp. Any questions regarding authorized activities within the wet detention ponds shall be addressed to the District's Surface Water Regulation Manager, Brooksville Service Office.
23. For the areas shown on the construction drawings as future, a permit modification shall be obtained for any construction in this/these areas. As a requirement of the permit modification for this/these areas, the Permittee shall submit a Statement of Completion and as-built drawings.
24. If limestone bedrock is encountered during construction of the surface water management system, the District must be notified and construction in the affected area shall cease.
25. The Permittee shall notify the District of any sinkhole development in the surface water management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
26. The District, upon prior notice to the Permittee, may conduct on-site inspections to assess the effectiveness of the erosion control barriers and other measures employed to prevent violations of state water quality standards and avoid downstream impacts. Such barriers or other measures should control discharges, erosion, and sediment transport during construction and thereafter. The District will also determine any potential environmental problems that may develop as a result of leaving or removing the barriers and other measures during construction or after construction of the project has been completed. The Permittee must provide any remedial measures that are needed.
27. The Permittee shall execute the final draft financial responsibility instrument approved by the District prior to initiating activities authorized by this permit. The final draft financial responsibility instrument shall be consistent with the draft instrument submitted with the permit application and approved by this permit.

28. The Permittee shall submit the original executed financial responsibility instrument to the District at the address below:
- Brooksville Regulation Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, FL 34604-6899
29. The Permittee shall provide the financial responsibility required by Rule 40D-4.301(1)(j), Florida Administrative Code until the District determines that the specific success criteria contained in this permit have been met; or the District approves a request to transfer the permit to a new owner and receives an acceptable substitute financial responsibility mechanism from the new owner.
30. The Permittee may request, in writing, a release from the obligation to maintain certain amounts of the financial assurance required by this permit as phases of the mitigation plan are successfully completed. The request shall include documentation that the mitigation phase or phases have been completed and payment for their completion has been made. Following the District's verification that the phase or phases have been completed in accordance with the mitigation plan, the District will authorize release from the applicable portion of the financial assurance obligation.
31. The District will notify the Permittee within 30 days of its determination that the specific success criteria contained in this permit have been met. Concurrent with this notification, the District will authorize, in writing, the appropriate entity to cancel or terminate the financial responsibility instrument.
32. The Permittee's failure to comply with the terms and conditions of this permit pertaining to the successful completion of all mitigation activities in accordance with the mitigation plan shall be deemed a violation of Chapter 40D-4, Florida Administrative Code. In addition to other remedies that the District may have, the District may draw upon the financial responsibility instrument for any funds necessary to remedy a violation, upon such notice to the Permittee as may be specified in the financial responsibility instrument or if none, upon reasonable notice.
33. The Permittee shall notify the District by certified mail within 10 days of the commencement of a voluntary or involuntary proceeding:
- A. To dissolve the Permittee;
 - B. To place the Permittee into receivership;
 - C. For entry of an order for relief against the Permittee under Title XI (Bankruptcy), U.S. Code.
 - D. To assign of the Permittee's assets for the benefit of its creditors under Chapter 727, Florida Statutes.
34. In the event of bankruptcy or insolvency of the issuing institution; or the suspension or revocation of the authority of the issuing institution to issue letters of credit or performance bonds, the Permittee shall be deemed without the required financial assurance and shall have 60 days to reestablish the financial assurance required by Rule 40D-4.301(1)(j), Florida Administrative Code.
35. Construction is prohibited until the District receives and approves a complete Construction Surface Water Management Plan for the project area. Three copies of the plan must be submitted after they are signed by the Permittee/Owner or the Permittee/Owner's authorized agent, and signed and sealed by the design engineer.

36. This permit is issued based upon the design prepared by the Permittee's consultant. If at any time it is determined by the District that the Conditions for Issuance of Permits in Rules 40D-4.301 and 40D-4.302, F.A.C., have not been met, upon written notice by the District, the Permittee shall obtain a permit modification and perform any construction necessary thereunder to correct any deficiencies in the system design or construction to meet District rule criteria. The Permittee is advised that the correction of deficiencies may require re-construction of the surface water management system and/or mitigation areas.
37. To mitigate for 57.56 acres of wetlands and 5.52 acres of surface waters requiring habitat mitigation, the Permittee will establish regionally significant mitigation within the Alston Tract adjacent to District land (Upper Hillsborough) and create 14.8 acres of wetland, enhance 45.7 acres of wetlands and 42.6 acres of uplands, and preserve 38.7 acres of wetlands and 106.7 acres of uplands via a dedicated conservation easement to the District. The Functional Gain of the mitigation was determined to be 63.28 units. Since the Functional Gain of the mitigation is greater than the 39.87 units of Functional Loss, the wetland and surface water impacts are offset by the mitigation.
38. The excess Functional Gain identified in this permit from the Alston Mitigation Tract is not available for future applications.
39. The District is not, by this authorization, approving any proposed future wetland or surface water impact, roadway alignments, or lot configurations in other phases. When applications for future phases or road alignments are submitted, the District will evaluate the quality of the wetland or surface water being impacted and the proposed mitigation.
40. No construction under this Permit is authorized unless the following documents are received and approved by the District: Title Insurance and an executed and recorded Conservation Easement in favor of the District that appropriately covers the wetland and upland areas within the Alston Mitigation Tract shall be submitted within 90 days of Permit issuance.
41. The Permittee will develop and submit a plan to monitor and maintain the wetland buffers and wet detention ponds for review and approval by the District prior to commencement of activities in the buffer zone.
42. For the Alston Mitigation Tract, the Permittee will provide a specific schedule of tasks (herbicide application, disking, application of mulch and planting of containerized stock, etc.) within 90 days of permit issuance.
43. The Permittee shall monitor and maintain the temporarily disturbed wetland areas resulting from the hand excavation of discharge swales in the Alston Mitigation Tract until satisfactory re-vegetation with desirable native wetland plant species is achieved.
44. The Permittee shall submit the executed conservation easement, as recorded in the County Public Records, to the District within 90 days of permit issuance. Conservation easements shall identify the District as the grantee and shall cover the following areas: Wetland Preservation Area 1 - 33.8 acres; Wetland Preservation Area 2 - 4.9 acres; Upland Preservation Area 1 - 71.0 acres; Upland Preservation Area 3 - 35.7 acres. The Permittee shall receive approval from the District for any proposal to modify the conservation easement prior to conducting any activity prohibited by the terms of the conservation easement.
45. The Permittee shall, within 48 months of initial wetland impact and prior to beneficial use of the site, complete all aspects of the mitigation plan, including the grading, mulching, and planting, in accordance with the design details in the final approved construction drawings.

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46. The maximum impervious area for Basin 505002 (Pond C) is 44.8 acres which is equivalent to 83% impervious area within the developable basin area. Any additional proposed impervious area above 44.8 acres will require a formal permit modification.
47. The maximum impervious area for Basin 504002 (Pond E) is 37.49 acres which is equivalent to 79% impervious area within the developable basin area. Any additional proposed impervious area above 37.49 acres will require a formal permit modification.

GENERAL CONDITIONS

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.



Authorized Signature

EXHIBIT "A"

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. For general permits authorizing incidental site activities, the following limiting general conditions shall also apply:
 - a. If the decision to issue the associated individual permit is not final within 90 days of issuance of the incidental site activities permit, the site must be restored by the permittee within 90 days after notification by the District. Restoration must be completed by re-contouring the disturbed site to previous grades and slopes re-establishing and maintaining suitable vegetation and erosion control to provide stabilized hydraulic conditions. The period for completing restoration may be extended if requested by the permittee and determined by the District to be warranted due to adverse weather conditions or other good cause. In addition, the permittee shall institute stabilization measures for erosion and sediment control as soon as practicable, but in no case more than 7 days after notification by the District.
 - b. The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as commitment to issue the associated individual environmental resource permit.
4. Activities approved by this permit shall be conducted in a manner which does not cause violations of state water quality standards. The permittee shall implement best management practices for erosion and a pollution control to prevent violation of state water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Water quality data for the water discharged from the permittee's property or into the surface waters of the state shall be submitted to the District as required by the permit. Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency. If water quality data are required, the permittee shall provide data as required on volumes of water discharged, including total volume discharged during the days of sampling and total monthly volume discharged from the property or into surface waters of the state.

6. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit modification prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
7. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
8. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
9. The permittee shall complete construction of all aspects of the surface water management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
10. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
 - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
 - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
 - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
11. All surface water management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
12. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a written notification of commencement indicating the actual start date and the expected completion date.
13. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
14. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the required Statement of Completion and Request for Transfer to Operation Entity form identified in Chapter 40D-1, F.A.C. Additionally, if deviation from the approved drawings are discovered during the certification process the certification must be accompanied by a copy of the approved permit drawings with deviations noted.

15. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
16. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of the conditions herein, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District accepts responsibility for operation and maintenance of the system. The permit may not be transferred to the operation and maintenance entity approved by the District until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible operation and maintenance entity approved by the District, if different from the permittee. Until a transfer is approved by the District, the permittee shall be liable for compliance with the terms of the permit.
17. Should any other regulatory agency require changes to the permitted system, the District shall be notified of the changes prior to implementation so that a determination can be made whether a permit modification is required.
18. This permit does not eliminate the necessity to obtain any required federal, state, local and special District authorizations including a determination of the proposed activities' compliance with the applicable comprehensive plan prior to the start of any activity approved by this permit.
19. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40D-4 or Chapter 40D-40, F.A.C.
20. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
21. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under section 373.421(2), F.S., provides otherwise.
22. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rule 40D-4.351, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
23. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with District rules, regulations and conditions of the permits.
24. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District and the Florida Department of State, Division of Historical Resources.
25. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

ERP General Conditions
Individual (Construction, Conceptual, Mitigation Banks), General,
Incidental Site Activities, Minor Systems